

MINUTES

The Tennessee State Board of Cosmetology held a meeting on January 7, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, H. D. Adcock, Vice Chairman, June Huckleby, Muriel Smith, Lee Bowles and Judy Golden. Janet Wormsley was not present.

Others present were: Beverly Waller, Executive Director, Kathryn Wiseman, Staff Attorney, Terrance Bond, New Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman Linda Colley wished everyone a Happy New Year.

Chairman Linda Colley called for roll call.

MINUTES

Ms. Judy Golden stated that on page 3 of the minutes a correction needed to be made. It states cosmetology examination and needs to be changed to esthetician examination.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to accept the minutes from the December 3, 2007 board meeting. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Pat Adams, Continuing Education, South Carolina was present to discuss continuing education programs in several states. Ms. Adams stated that continuing education is mandatory in 23 states. Ms. Adams stated that a majority of states require 8 hours, and South Carolina only requires 6 hours. Ms. Adams is asking the board to be in favor of a bill. The Tennessee Cosmetology Association is planning to present this legislative session for required continuing education for cosmetology in Tennessee. Ms. Adams stated the board would set the criteria for the continuing education. The providers will conduct the continuing education courses. In South Carolina the provider sends the paperwork to the University of South Carolina then it is sent electronically to the state board. The board stated they need to see a copy of the bill. The age requirements were discussed in order for some to be exempt. Ms. Adams stated that if you are a manicurist then you only attend seminars referring to manicuring or pedicures and so on. Ms. Adams stated South Carolina has eight (8) seminar providers that conduct approximately 150-200 classes yearly. The board in South Carolina fines people who don't attend the required seminar. South Carolina also has a committee set up for Disciplinary Action reviews. The board was very interested in forming a committee similar to this. Mr.

Terrance Bond stated that he would write up a policy and guidelines for a committee to be formed.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to put on the agenda next month a draft of guidelines and a policy that can be delegated to give Ms. Beverly Waller, Executive Director the authority to make a decision on what she knows the board will agree. Motion carried unanimously.

Ms. Adams stated that the State Board of South Carolina is seeing results since this required continuing education became law. Ms. Adams states that the inspectors are receiving fewer complaints, which has caused a reduction of violations issued by inspectors.

The board thanked Ms. Adams for the information she provided to them.

Ms. Mahnaz Armankan – Iran – Present. She would like to request license in Tennessee. She is licensed in Iran. Documents state she completed 165 hours in Fanoos Institute Major of haircut and completed 246 hours Major of makeup artist. She passed required examinations after completion of hours and has worked in the institute in haircut and makeup artist for 2,200 hours. Ms. Armankan can't speak English; someone was present to speak in her behalf. The board informed her that she would have to take the full examination in order to become licensed in the State of Tennessee. The board informed her that the testing company does not give the examination in a different language. The board informed her she would need to learn English so that she can pass the examination. The board stated that Ms. Armankan would need to learn Tennessee's laws and rules.

ADMINISTRATIVE REPORT

An application for change of ownership for Institute of Hair Design, Inc. School of cosmetology was submitted to the board office. The application is for an additional owner and corporate ownership.

MOTION was made by Ms. June Huckleby and seconded by Ms. Muriel Smith to accept the change of ownership. Motion carried unanimously.

An application for change of location for Knox International 2000 Beauty College was submitted to the board office. The school was inspected after chairs were all assembled and inspector gave grade of 100.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to accept the change of location. Motion carried unanimously.

An application for reciprocity of cosmetology license from Citah Beaton was submitted to the board office. Certification from the Florida State Board states she has been licensed since October 16, 1996 with 1,200 hours of instruction in the cosmetology

curriculum. She submitted proof of work history for May 2000 to May 2003, July 2006 to July 2007 and she owed her own salon in 2004, 2005, and 2006. Work history consistent.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to request Ms. Beaton come before the board at the next meeting and bring in her original documents. Motion carried unanimously.

An application for reciprocity of cosmetology license from Nicole Splittstoesser from Colorado was submitted to the board office. Certification from the Colorado State Board states 1,450 hours of instruction in the cosmetology curriculum and original date of license is November 30, 2004. She has not been license for 5 years but she submitted employment verification from Sport Clips that she has been employed since November 2004 and had continued to take hair care classes.

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to request Ms. Splittstoesser take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of cosmetology license from Mildred Kreszswick was submitted to the board office. Certification from The Commonwealth of Virginia. She received her 1,250 hours of instruction in the cosmetology curriculum in Pennsylvania and the certification from The Commonwealth of Virginia states initial license date as October 9, 2002. She currently holds a license in Virginia. Proof of work history submitted was from 2002-2004, and November 2005 to September 2006.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Kreszswick take the cosmetology examination and pass to become licensed in the State of Tennessee. Motion carried unanimously.

A request to take the cosmetology examination from Adil Ghallabi from Morocco was submitted to the board office. Documents from Morocco states she attended hairdressing for duration of 2 years and 500 training hours. Also, she provided proof of 502.50 hours from The Hair Design School in Louisville, Kentucky.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Ghallabi return to school for her remaining hours then take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

An application for reciprocity of manicurist license from Gulchekhra Ibragimova, Republic of Uzbekistan was submitted to the board office. Documents provided states she successfully completed the course work to obtain license as pedicurist and manicurist. She completed 300 class hours with addition of 450 training and acrylic nails hours in the Mashhuraxon private firm subsidiary Salon Mashhuraxon. She has been license since August 2007.

MOTION was made by Ms. Judy Golden and seconded by Ms. June Huckeby to request Ms. Ibragimova take the manicurist examination and pass to become a licensed manicurist in the State of Tennessee. Motion carried unanimously.

A request for cosmetology license from Irma Gutierrez from Mexico was submitted to the office. Documents provided states she completed the course of beauty and hygiene, theory, practice and audiovisual which total hours of 1,790. Not counting that she has been working as a professional stylist since she graduated.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to request Ms. Gutierrez to take and pass the cosmetology examination to become licensed in the State of Tennessee. Motion carried unanimously.

A request for extension from the 2007 cosmetology instructor seminar from Linda Dunbar was submitted to the board office. She states in her request that she had to make an emergency trip to Maine to help with her husband's parents. Her mother-in-law suffered a stroke and required 24 hour care. Her mother-in-law was in and out of the hospital several times during the summer.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to grant the extension from the 2007 instructor seminar and require Ms. Dunbar attend the 2008 & 2009 Instructor seminars. Motion carried unanimously.

A request from Theresa Morrow Chism, who received her cosmetology license by reciprocity from Florida in 2004, to be grandfathered in as an esthetician. She was originally licensed in Florida in 1970 received reciprocity to Tennessee in 2004. She is requesting to be considered for grandfathering, as Tennessee estheticians were in 1987 because she had practiced as a cosmetologist and esthetician in Florida since 1970.

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to require Ms. Chism return to school for 500 hours and take and pass the esthetician examination to be licensed in the State of Tennessee. Motion carried unanimously.

An application for change of name for Stylemasters Beauty Academy to Genesis Career College of Lebanon and Genesis Career College of Cookeville was submitted to the board office.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Muriel Smith to accept the change of name. Motion carried unanimously.

Consent orders totaled \$10,250.00.

Classy Nails
1925 Gunbarrel Road
Chattanooga, TN 37421

Violation issued August 16, 2007
Pd \$500.00 on 12-11-07

Color Nails
330 Mayfield Drive A-12
Franklin, TN 37067

Violation issued September 25, 2007
Pd \$750.00 on 11-30-07

D'Carlo Salon
5945 Knight Arnold
Memphis, TN 38115

Violation issued August 24, 2007
Pd \$1,000.00 on 11-30-07

Dramatic Difference
941 Dolly Parton Pkwy
Sevierville, TN 37862

Violation issued August 7, 2007
Pd \$1,500.00 on 12-12-07

Hair Haven
1016 Jacksboro Pike #2
LaFollette, TN 37766

Violation issued August 8, 2007
Pd \$500.00 on 12-5-07

Hair Safari
7416 Maynardville Hwy
Knoxville, TN 37938

Violation issued August 22, 2007
Pd \$500.00 on 12-21-07

Le Nails
5308 Brainerd Road
Chattanooga, TN 37411

Violation issued June 13, 2007
Pd \$500.00 on 12-18-07

Lenoir Nails
830 Hwy 321 North
Lenoir City, TN 37771

Violation issued August 2, 2007
Pd \$1,000.00 on 11-30-07

Magic Nails
1148 N. Gateway Avenue
Rockwood, TN 37854

Violation issued September 27, 2007
Pd \$1,000.00 on 12-11-07

Nail Trix
2011 N. Roan Street B-1
Johnson City, TN

Violation issued August 7, 2007
Pd \$1,000.00 on 1-3-08

Paris Nails II
7416 Maynardville Hwy
Knoxville, TN 37938

Violation issued August 28, 2007
Pd \$500.00 on 12-6-07

Salon Haven
2839 Dayton Blvd.
Chattanooga, TN 37415

Violation issued September 11, 2007
Pd \$500.00 on 12-5-07

Silky Nails
7097 Hwy 70 South
Nashville, TN 37221

Violation issued September 27, 2007
Pd \$250.00 on 11-30-07

Star Nails
3736 Annex Suite 101
Nashville, TN 37209

Violation issued October 2, 2007
Pd \$500.00 on 12-5-07

T Nails
2613 Franklin Road, Suite 104
Nashville, TN 37204

Violation issued November 9, 2007
Pd \$ 250.00 on 1-2-08

MOTION was made by Ms. Lee Bowles and seconded by Ms. June Huckleby to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

ORDERS RECEIVED:

Case No. L-07-COS-RBS-2007087451

Respondent paid 250.00 civil penalties and executed Consent Order acknowledging unlicensed conduct.

1. Case No. L-07-COS-RBS-200502182-1

Notice of violation issued March 17, 2005 provides that Respondent failed to execute a prior Consent Order and pay fines of nine hundred dollars (900.00) stemming from two citations for unlicensed conduct which occurred in 2004.

Recommendation: Discuss

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

2. Case No. L-07-COS-RBS-200603485-1

Board had previously authorized formal administrative hearing after Respondent accumulated several license-related violations. Respondent now has active, current license (expires 7/31/2008) for Cosmetology shop.

Recommendation: Close with stern letter of warning. Impose lengthy probationary period either now or at upcoming renewal date.

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

3. Case No. L-07-COS-RBS-200705508-1

March 2, 2007 Notice of violation provides that Cosmetology shop licensed had expired.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

4. Case No. L-07-COS-RBS-200705504-1

March 17, 2007 Notice of violation provides that two (2) unlicensed individuals were observed providing services.

Recommendation: Authorize formal hearing (\$1,000.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

5. Case No. L-07-COS-RBS-200708851-1

November 14, 2007 Notice of Violation provides that shop owner was allowing an unlicensed relative to provide services in the shop

Recommendation: Authorize formal hearing (\$300.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

6. Case No. L-07-COS-RBS-200708853-1

November 21, 2007 Notice of Violation provides that one individual was providing services without a valid Tennessee Cosmetology license while another individual was providing services without his license on display.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

7. Case No. L-07-COS-RBS-200708856-1

November 27, 2007 Notice of violation provides that Cosmetology shop license had expired at inspection time. One individual was observed working at inspection time.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

8. Case No. L-07-COS-RBS-200708857-1

November 29, 2007 Notice of Violation provides that shop manager does not have Tennessee-issued license to practice manicuring. Another individual was observed working without her Tennessee license on display. Poor sanitation and a dirty shop appearance were also reported.

Recommendation: Authorize formal hearing (\$750.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

9. Case No. L-07-COS-RBS-200708858-1

November 20, 2007 Notice of violation provides that new shop owner was providing manicuring services without a license.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Ms. Lee Bowles and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

10. Case No. L-07-COS-RBS-200708881-1

November 16, 2007 Notice of Violation provides that nail liquid container did not have table of contents.

Recommendation: Close with Letter of Warning

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

11. Case No. L-07-COS-RBS-200708882-1

12. Case No. L-07-COS-RBS-200708883-1

November 29, 2007 Notice of Violation provides that beauty shop in an assisted living facility was operating without a license. Owner claims she wasn't aware of license requirement for shop not open to the public and promptly went and obtained licensure after citation was issued.

Recommendation: Dismiss

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

13. Case No. L-07-COS-RBS-200708884-1

November 6, 2007 Notice of Violation provides that inspector found that manicure stations were dirty, there was no fumigant in the pedicure area, spa tubs were dirty, nail brushes at the sink were not properly disinfected, dirty towels were not properly stored, nail dusters and drill bits were not properly stored.

Prior Violations-

3/30/99 for unlicensed operator -500.00

6/06/01-500.00

Recommendation: Authorize formal hearing (\$750.00 civil penalty with Consent Order)

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

MOTION was made by Ms. Judy Golden and seconded by Ms. Lee Bowles to make an amendment to change the penalty to \$1,000.00. Motion carried unanimously.

14. Case No. L-07-COS-RBS-200708897-1

December 7, 2007 Notice of Violation provides that Inspector observed individual providing manicuring services without a license.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

15. Case No. L-07-COS-RBS-200708849-1

November 13, 2007 Notice of Violation provides that individual was observed providing Cosmetology services without a license.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Lee Bowles to accept the recommendation. Motion carried unanimously.

16. Case No. L-07-COS-RBS-200708843-1

Student complaint states that level of instruction provided is inadequate and that sanitation standards are not consistently maintained.

Recommendation: Dismiss

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

17. Case No. L-07-COS-RBS-200708949-1

December 12, 2007 Notice of Violation provides that each of the three shop operators has an expired license on display and one of those individuals was working at inspection

time. Inspector also reports that the shop needed a “serious general cleaning” at inspection time.

Recommendation: Authorize formal hearing (\$500 civil penalty with Consent Order)

MOTION was made by Ms. Muriel Smith and seconded by Ms. Lee Bowles to change \$500.00 civil penalty to \$1,000.00. Motion carried unanimously.

18. Case No. L-07-COS-RBS-200708946-1

December 13, 2007 Notice of Violation provides that individual was providing manicure services without a current license.

Recommendation: Authorize formal hearing (\$500.00 civil penalty with Consent Order)

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

19. Case No. L-07-COS-RBS-200708954-1

December 12, 2007 Notice of Violation provides that manager of shop was providing services without a current license. Individual has since made license current.

Recommendation: Close with a letter of warning

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

20. Case No. L-07-COS-RBS-200500931-1/200501189-1

Complainant alleged various violations of Cosmetology rules at Respondent's Cosmetology school. Owners at time of alleged violations are no longer practicing Cosmetology and do not own any interest in any Cosmetology school.

Recommendation: Dismiss

MOTION was made by Ms. Judy Golden and seconded by Mr. H. D. Adcock to accept the recommendation. Motion carried unanimously.

21. Case No. L-07-COS-RBS-200603104-1 /200604089-1

Case against Respondent had been previously set for formal hearing on October 1, 2007, but, as settlement negotiations were pending, counsel for the State requested a

continuance. Post the continuance, Respondent has made no effort to fulfill the terms of the settlement or given notice of her intent to do so.

Recommendation: Reset for formal hearing

MOTION was made by Ms. Lee Bowles and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

22. Case No. L-07-COS-RBS-200602161-1/200706267-1

Notice of Hearing and Charges has been filed against Respondent for practicing natural hair styling without a license and operating an unlicensed cosmetology shop. Key witness for the Board has recently suffered serious health problems and has retired.

Recommendation: Dismiss current case. Authorize immediate re-investigation and filing of new charges if investigation produces evidence of violations

MOTION was made by Mr. H. D. Adcock and seconded by Ms. Judy Golden to accept the recommendation. Motion carried unanimously.

OTHER BUSINESS

Election of Officers

Ms. Lee Bowles nominated Ms. Linda Colley as Chairman of the Board.

Ms. Judy Golden nominated Mr. H. D. Adcock as Chairman of the Board.

The board voted Mr. H. D. Adcock as the Chairman of the Board.

Ms. Judy Golden nominated Ms. Linda Colley and Vice-Chairman of the Board.

The board voted Ms. Linda Colley as Vice-Chairman of the Board.

Ms. Linda Colley stated that it has been a pleasure serving as Chairman of the Board.

Ms. June Huckleby stated that Ms. Linda Colley has been one of the best Chairmen's.

MOTION was made by Ms. Muriel Smith and seconded by Mr. H. D. Adcock to adjourn the meeting. Motion carried unanimously.